

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WONELL RINGGOLD

Plaintiff,

v.

CORRECTION OFFICER LAMBY¹

Defendant.

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C.A. No. 06-368-SLR

**DEFENDANT'S MOTION FOR
ENLARGEMENT OF TIME**

1. Plaintiff Wonell Ringgold ("Ringgold"), at the time this lawsuit was filed, was an inmate incarcerated at the Howard R. Young Correctional Facility ("Gander Hill") in Wilmington, Delaware. Ringgold was released from Gander Hill to CVOP on June 29, 2006. Effective November 21, 2006, Ringgold is on probation until November 20, 2008.

2. On or about June 1, 2006, Ringgold commenced this action by filing a Complaint pursuant to 42 U.S.C. § 1983 with leave to proceed *in forma pauperis* alleging Eighth and Fourteenth Amendment Due Process violations against Defendant Lambey. (Complaint, *passim*). (D.I. 2). On or about December 11, 2006, by Order of the Court, Ringgold's Complaint was dismissed without prejudice. (D.I. 10). On or about January 10, 2007, Ringgold filed a letter motion for reconsideration. (D.I. 11). On or about January 12, 2007, Ringgold's motion for reconsideration was granted. (D.I. 12). On or about April 19, 2007, by Order of the Court, service of process was issued upon Defendant Lambey as well as the Office of the Attorney General. (D.I. 15). On or about

¹ The correct spelling of the Defendant's last name is Lambey.

May 23, 2007, Defendant Lambey was served. The Attorney General's Office was served on or about June 25, 2007. (D.I. 16, 17).

3. Due to the press of other litigation, counsel for the Defendant is unable to file an Answer to the Complaint within the time required by Fed. R. Civ. P. 4(d)(3). Counsel for Defendant Lambey has requested and is waiting for information from the Department of Correction in order to properly respond to Ringgold's Complaint. While this information is forthcoming, counsel believes an enlargement of time of thirty (30) days from the July 16, 2007, deadline to on or before August 15, 2007, date is needed to file a response.

4. This is Defendant Lambey's first request for an extension of time for filing an Answer.

5. There is no trial date scheduled in this case.

6. A form of order is attached to this motion that will grant the Defendant a thirty (30) day extension from July 16 2007, until on or before August 15, 2007, in which to file an Answer.

WHEREFORE, Defendant Lambey respectfully requests that this Honorable Court grant her Motion and enter an Order, substantially in the form attached hereto, enlarging Defendant's time to file an Answer until on or before August 15, 2007.

Dated: July 16, 2007

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Stacey Xarhoulakos
Stacey Xarhoulakos, # 4667
Deputy Attorney General
Department of Justice
820 N. French Street, 6th floor
Wilmington, DE 19801
(302) 577-8400
stacey.xarhoulakos@state.de.us

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16.5 CERTIFICATION

In compliance with Local Rule of Civil Procedure 16.5, counsel for the Defendant making the request for an extension of time files this certification and states: I certify that I have sent a copy of the request for an extension of time to file an Answer to the Defendant.

Dated: July 16, 2007

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Stacey Xarhoulakos
Stacey Xarhoulakos, ID#4667
Deputy Attorney General
Department of Justice
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CERTIFICATION OF COUNSEL

The undersigned counsel hereby certifies, pursuant to Rule 7.1.1 of the Local Rules for the District of Delaware, that:

1. Ringgold is no longer incarcerated. Counsel has attempted to contact him by telephone; however, the telephone number reflected on Ringgold's documents has been disconnected. Counsel for the Defendant therefore, has not been able to contact Ringgold to reach an agreement on the subject of the Motion for Enlargement of Time.
2. The undersigned counsel assumes that the Motion is opposed.

Dated: July 16, 2007

**STATE OF DELAWARE
DEPARTMENT OF JUSTICE**

/s/ Stacey Xarhoulakos
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ORDER

Upon the Defendant's Motion For Enlargement Of Time and it appearing that good and sufficient notice of the Motion has been given; and after due deliberation thereon:

IT IS HEREBY ORDERED as follows:

1. The Motion is **GRANTED**.
2. The Defendant has until on or before August 15, 2007 in which to file an Answer.

SO ORDERED this _____ day of _____, 2007.

The Honorable Sue L. Robinson
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2007, I electronically filed *Defendant's Motion for Enlargement of Time* with the Clerk of Court using CM/ECF. I hereby certify that on July 16, 2007, I have mailed by United States Postal Service, the document to the following non-registered participant:

Mr. Wonell Ringgold
510 Buttonwood Street
Wilmington, DE 19801

/s/ Stacey Xarhoulakos
Stacey Xarhoulakos, ID#4667
Deputy Attorney General
Department of Justice
820 N. French St., 6th Floor
Wilmington, DE 19801
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